

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

## JAVIER SEGOVIA MENDIOLA

§ Civil Action No. 7:22-cv-00401

**Plaintiff,**

VS.

KENNETH P. HARTLEY and KEVIN P. HARTLEY, HARTLEY PRODUCE, LLC and B & H FARMS, LLC.

## DEMAND FOR JURY TRIAL

## Defendants.

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**PLAINTIFF'S MOTION TO CONTINUE DEADLINE FOR RULE 26(F) REPORT  
AND SCHEDULING CONFERENCE AND SECOND MOTION TO EXTEND  
DEFENDANTS' DEADLINE TO ANSWER**

TO THE HONORABLE JUDGE HINOJOSA:

Plaintiff Javier Segovia Mendiola (“Plaintiff”) submits this Motion to Continue the Deadline to File Rule 26(f) Report and Scheduling Conference and Second Motion to Extend Defendants’ Deadline to Answer and in support thereof would respectfully show the Court the following:

1. This case was filed on November 21, 2022, and Defendants were served on December 1, 2022. Dkts. 1 and 7. The original deadline for Defendants to file an answer was therefore December 22, 2022. Fed. R. Civ. P. 12(a).

2. The Court set a Scheduling Conference for February 9, 2023 at 2:30 pm. Dkt. No. 3. The order required the parties to conduct a Rule 26(f) conference and submit a joint report of the meeting and discovery/case management plan at least 10 days prior to that date to the date of the Scheduling Conference. *Id.*

3. On December 21, 2022, Plaintiff filed a motion at Defendants' request asking the Court to extend Defendants' original deadline to file an answer, December 22, 2022, for an additional 21 days to January 12, 2023. Dkt. No. 8.

4. On December 22, 2022, the Court granted Plaintiff's motion and extended Defendants' answer deadline to January 12, 2023. Dkt. No. 9. This extension allowed the parties additional time to attempt resolution.

5. Since the Court's Order on December 22, 2022, the parties have engaged in additional discussions regarding resolution. The parties remain optimistic that they can reach a resolution in this case.

6. Defendants have requested, and Plaintiff agrees to, a second extension of Defendants' deadline to file an answer for an additional 8 days to January 20, 2023.

7. This extension will allow the parties additional time to attempt resolution. The parties have been working amicably and diligently to reach a resolution and will continue to do so.

8. For the reasons stated above, Plaintiff respectfully asks the Court to extend Defendants' deadline to file an answer to January 20, 2023, and to reset the initial Scheduling Conference to a date after February 9, 2023.

9. This motion is not sought for purposes of delay but in the interest of judicial efficiency and justice for all parties involved.

Respectfully submitted,

**TEXAS RIOGRANDE LEGAL AID**

/s/ A. Vail Kohnert-Yount

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of January, 2023, the foregoing document was filed via electronic service in accordance with the Federal Rules of Civil Procedure.

*/s/ A. Vail Kohnert-Yount*  
A. Vail Kohnert-Yount

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Plaintiff,	§	Civil Action No. 7:22-cv-00401
vs.	§	
KENNETH P. HARTLEY and KEVIN P. HARTLEY, HARTLEY PRODUCE, LLC and B & H FARMS, LLC.	§	DEMAND FOR JURY TRIAL
§	§	
Defendants.	§	

**ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_ 2023, came to be heard Plaintiff's Motion to Continue the Deadline to File Rule 26(f) Report and Scheduling Conference and Second Motion to Extend Defendants' Deadline to Answer. After considering said motion, the Court finds the motion should be, and hereby is, GRANTED.

Defendants' deadline to file an answer in this case is January 20, 2023. The scheduling conference currently set for February 9, 2023 shall be reset to \_\_\_\_\_, 2023 at \_\_\_\_\_ am/pm.

The parties shall conduct the Rule 26(f) conference and submit a joint report of the meeting and discovery/case management plan at least 10 days prior to that date.

Plaintiff shall serve a copy of this Order on all Defendants.

SIGNED on \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Judge Ricardo H. Hinojosa